Mr. S. RANGARAMIAH.—Has it come to the notice of the Government that the Sindakere and other tanks have not been receiving adequate supplies of water for the past 5 or 6 years?

Mr. B. T. KESAVAIENGAR.—Notice.

Mr. S. RANGARAMIAH.—Are the Government aware that because many sluices below the *nala* are open, the Ramasamudra tank a few miles off Dollipura has not been receiving adequate supply of water?

Mr. B. T. KESAVAIENGAR.—It is not correct to think so. In fact, the Government also had thought so at first, and closed the sluices in the hope that the tank would receive adequate supplies. But that hope has not been realised yet. So we will have to see whether the situation will improve if other sluices are closed.

Mr. S. RANGARAMIAH.—Prayers for the grant of remission were not complied with on the ground that the raiyats did not make use of water which was available. May I therefore ask whether the Government have enquired how much water was available?

Mr. B. T. KESAVAIENGAR.—No. The reports received by Government go to show that sufficient water was available.

Mr. S. RANGARAMIAH.—Did the Deputy Commissioner hold any local inquiry before sending his report?

Mr. B. T. KESAVAIENGAR.—Notice.

The REVENUE COMMISSIONER (Mr. K. V. Anantaraman).—This question had come up for discussion before this House at the last Session also. In view of that, the Chief Engineer inspected the spot. Some sluices have been closed, and the Public Works Department have taken over control over the supply of water. The matter is still engaging the attention of the department and they will do everything they can for obviating the difficulties complained of.

Mr. S. RANGARAMIAH.—This year there have been pretty good rains and the reports that may be sent up by the officers concerned may look rosy enough. But the Government must consider the difficulties felt in lean years. In view of those difficulties, is it not desirable to extend the Hongalavadi and other *nalas*?

Mr. K. V. ANANTARAMAN.—We will consider that question also, trying, in the meanwhile, the suggestions made by the Chief Engineer.

GOVERNMENT BUSINESS—BILLS.

I. General Principles of the Bill to amend the Mysore Civil Courts Regulation, I of 1883.

The CHIEF SECRETARY to GOVERNMENT (Mr. B. T. Kesavaiengar) explained the general principles of the bill as follows:—

The Mysore Civil Courts Regulation, I of 1883, was amended by Regulation VII of 1926 so as to make it possible to appoint more than one Subordinate Judge to a Subordinate Judge's Court and more than one Munsiff to a Munsiff's Court. On that occasion no amendment was made so that more than one District Judge could be appointed to a District Court. Whenever arrears accumulate in any District Court, it becomes necessary to establish an Additional District Court with separate establishment for temporary periods. The High Court will have to formally transfer suits and proceedings from the permanent to temporary courts and retransfer them to the permanent court when the additional court ceases to exist. Difficulties will also arise in the matter of the execution of the decrees and orders passed by the Additional Court when it is abolished. The most convenient and economical course in such circumstances would be to add a Judge temporarily to an existing District Court.

The present bill is intended to provide for the appointment, when necessary, of more than one District Judge to a District Court so as to avoid the inconveniences mentioned above.

The general principles were then put to vote and carried unanimously.

II. General Principles of the Bill further to amend the Indian Penal Code as in force in Mysore.

The CHIEF SECRETARY to GOVERNMENT (Mr. B. T. Kesavaiengar)

explained the general principles of the bill as follows:—

According to Section 375 of the Indian Penal Code as in force in Mysore, the age of consent is 12 both within and outside marital connection. This is considered insufficient for the protection of minor girls. The High Court also expressed regret, in a case that came up before it, that the Penal Code should not have been as yet amended in Mysore so as to raise the age of consent to 14.

It is now proposed to raise the age of consent to 14 as against strangers, leaving the age in marital cases unaffected.

The age of consent in British India has been revised by Act XXIX of 1925.

Mr. M. SUBBAIYA was of opinion that the age of consent might be raised to 18 for purposes of this bill.

Messrs. K. M. KRISHNAPPA GOWDA, JATHARE NAIK and some others did not agree to this suggestion.

Mr. C. N. NARASINGA RAO, while fully agreeing with the proposed measure, said that Government could have gone a step further and included marital cases also in the amendment. To him it did not matter who committed the offence—whether it was the husband of a girl or a stranger—so long as the offence itself was committed.

The general principles were put to vote and carried.

As it was 4 P.M. by then and elections to the panels of the Standing Committees and to the Senate of the University of Mysore were to commence immediately, and as the next two bills were highly controversial, **Mr. K. T. BHASHYAM AIYANGAR** requested that the House be adjourned for the day.

The PRESIDENT replied that the House might adjourn at 4-30 P.M.

III. General Principles of the Bill to amend the Mysore Town Municipalities Regulation, 1933.

The SECRETARY to GOVERNMENT, DEVELOPMENT DEPARTMENT (Mr. M. Venkatanaranappa) explained the general principles of the bill as follows:—

The present legal position regarding the appointment and control of Chief Officers in town municipalities is not altogether satisfactory. Under Section 209 of the Town Municipalities Regulation, 1933, it is possible to hold that the municipal council has power to appoint these officers subject to the sanction of Government. In practice, however, Chief Officers are appointed by Government. In the interests of efficiency, it is considered that the appointment of Chief Officers should be under the control of Government. The new sections enable Government to take power to appoint and control the Chief Officer in the case of any town municipal council.

Mr. C. N. NARASINGA RAO regretted that Government should have proposed the bill which aimed at cutting at the root of the principle of local self-government. He was sorry that under one pretext or another the Government were gradually withdrawing all the powers and privileges which local self-government institutions were exercising. For instance, the Chief Officer of a municipality was its chief executive officer and the power to appoint and control him naturally vested in the municipal council. But in practice, however, these officers were being appointed by the Government in spite of protests from the municipal councils. However, there was still a contention on the part of the municipal councils that under the Regulation any municipal council was competent to appoint its own Chief Officer though such appointment was subject to the sanction of Government. Now the scope for even such a contention was sought to be removed by means of the proposed measure. If in the matter of the appointment of their own executive officers the municipal councils had no voice, he did not know why the councils should be called self-governing institutions at all. The speaker feared that this might not make for smooth working of the councils. The Chief Officers would naturally look to the Government for promotion, etc., and might openly defy the wishes of the municipal councils. Conflicts between Chief Officers and the municipal councils

would then become inevitable. The scheme of local self-government would thus be a failure, for which Government themselves would be held responsible With the gradual spread of education in the rural parts and the consequent growth of a civic consciousness among the people, educated people were just beginning to come forward in larger numbers to take up the task of municipal administration. At such a time, the retrograde measure under discussion would damp their spirits and keep them back from participating in such work. For these reasons, he requested Government to withdraw the bill. He would have no objection, however, to Government sending a panel of names, the selection of the particular person for appointment being left to the municipal council. Such a procedure, he said, would not only be consistent with the prestige of the municipal councils but also secure the object of the proposed measure.

Mr. B P. BAGAPPA SETTY opposed the measure on the ground that if it was passed, it was sure to reduce the councils into ineffective bodies. The speaker said that instances were not wanting to bear out his statement. Formerly, control over Sanitary Inspectors vested in the District Boards, and the Presidents had the power to sanction increments to them, levy fines, etc. Then the Sanitary Inspectors were faithfully carrying out the instructions of the President and work in all directions was going on smoothly and efficiently. But now the power to fine them was taken away from the Presidents and vested in the Director of Health. The result was that the Sanitary Inspectors were not caring for the Presidents very much and sanitation in the villages was suffering. Similarly, with the withdrawal of control of the local bodies over their executive officers, indiscipline would set in and efficient work would become impossible. Instead of giving room for such an unfortunate situation, he wished that more and more powers were granted to local bodies. Of course, they might commit mistakes for a time. But there was the Government, at the top, to guide them in such cases. At a time when people were feeling proud that the administration of their councils was in the hands of their own elected representatives and when they were pleading in season and out of season for the grant of Responsible Government, the introduction of a retrograde measure such as the one under discussion could not but be regarded as a sad commentary on the political fitness of the people of the State which was everywhere recognised as a Model State.

Mr. M. SUBBIAH, in further opposing the measure, said that he was at a loss to know why the Government should take over control over Chief Officers attached to municipal councils. No trouble was being experienced by anybody on account of these officers being under the control of the municipal councils concerned. As far as he knew, the Chief Officers were not guilty of slackness in regard to work. They were also getting on well with the municipal councils, so that there was no reason why the Government should withdraw the powers of the municipal councils. Secondly, if the Presidents and Vice-Presidents did not discharge their duties properly, provision already existed in the Regulation for enabling the Government to remove them from office. But there was no need for the Government to avail themselves of that provision. Such being the case, there was no justification for the Government to withdraw powers already vested in the councils. If they did so. the Chief Officers would no longer care for the municipal councils under whose control they were, because they would have nothing to gain or fear from the councils. For these reasons, he urged that municipal councils should continue to have the power of appointing their own Chief Officers subject to the approval of Government. He was strongly opposed to the idea of Government themselves appointing Chief Officers without even consulting the local bodies beforehand.

The SECOND MEMBER of COUNCIL (Rajamantrapravina N. Madhava Rau) in rising to remove certain misapprehensions in the minds of members, said that it was not the intention of

Government, in introducing the measure, to take away the powers which municipal councils were enjoying at present. The powers and duties of Chief Officers and of municipal councils had been clearly defined in the Regulation. Under Section 209 of the Town Municipalities Regulation, it was contended by some of the municipal councils that they had the power to appoint Chief Officers, while in practice such officers were being appointed by Government. The amendment under discussion had been proposed in order to clear the doubts entertained in certain quarters. But it should not be understood that as a result of clearing the doubt and legalising the existing practice, municipal councils would be deprived of all their powers. Government were in a better position to select competent men in the service for appointment as Chief Officers to municipalities. The municipalities could not obviously have the same field of choice.

Mr. M. SUBBIAH suggested that a panel of names of competent and available men might be given to the municipal councils for selecting and appointing one of them.

Mr. N. MADHAVA RAU observed that though the suggestion appeared simple, it was not practicable. If the Government merely told a municipal council which was on the look out for a Chief Officer that a Deputy Amildar in a far off place, or the Chief Officer of another municipality or a Record of Rights Amildar somewhere was available, how could the municipal council judge the capacity of each of the officers mentioned? If the appointment was left in the hands of the Government themselves, they could select the best man available having regard to the personnel requirements of all local bodies.

It was necessary to remember that simply because the Government appointed Chief Officers, the municipal councils would not be divested of all power. If the Chief Officer discharged his duties properly and to the satisfaction of the council, he would be retained by the municipal council. If he failed to do so and the President or the municipal council was not satisfied with him, they could move the Government to transfer or punish him. In the last resort the council could take steps to remove a Chief Officer according to the Regulation. This power of the municipal councils was not proposed to be withdrawn.

It had been represented that it was not always possible for municipal councils to pass resolutions by a two-thirds majority. Even granting that this was so, it was possible to get a Chief Officer removed and secure a satisfactory substitute if the President or any important section of the members of the council should bring to the notice of the Government the desirability of a change of personnel, so that even a resolution passed by a two-thirds majority was not always necessary.

A MEMBER asked whether there were not instances of Government compelling local bodies to appoint Chief Officers when the former were definitely against such appointments for financial and other reasons.

Mr. N. MADHAVA RAU replied that Government would give every consideration to the views and opinions of local bodies. He added that the question of sanctioning the appointment of a Chief Officer was quite different from that of selecting a particular person to fill that post, and that so far as the question of creating the appointment of a Chief Officer was concerned, the existing section would remain unaltered.

Mr. V. VENKATASAMI CHETTY asked whether in that case there was any necessity for the amending measure at all.

Mr. N. MADHAVA RAU replied that really speaking there was no necessity for it, but it had been proposed since there was a doubt expressed in certain quarters as to whether the existing practice was legally correct, and the amendment would help to clear the doubt. Incidentally it would also make for convenience and efficiency of the work of municipal councils.

Mr. K. NANJAPPA NADIG suggested that the measure be made

applicable only to such of the municipalities as had entertained the doubt.

Mr. SYED MOHIYDUDIN HUSSAIN observed that in many municipal councils there were two parties, and that if one party favoured the appointment of a Chief Officer the other would be quite against it, so that it might not be possible for a council to appoint a Chief Officer at all. At the same time, a Chief Officer for every council was necessary and there must be some authority competent to make the appointment. That was why the Government had proposed to take power for making the appointments in all cases. But simply because a Chief Officer was appointed, it should not be understood that the municipal council would thereby lose all its power. The power of the council in all other respects would remain unaffected. So long as the Chief Officer discharged his duties properly and satisfactorily, the council would keep him on. And in case he was not found to be efficient or satisfactory, the municipal council would have every power to remove him. Thus, there would be no harm in Chief Officers being appointed by Government, or in the power of making such appointments being vested in Government.

Mr. KHAJI SYED YUSUFF SAHEB, in welcoming the measure, said that vesting in Government the power to appoint Chief Officers would be in the best interests of the municipalities. The Government were in a better position than the municipalities to select competent persons for appointments as Chief Officers. And being appointed by the Government, these officers could enjoy security of tenure which would certainly keep the officers contented, earnest and efficient, and the municipal councils would get all the benefit of having such officers. The foremost advantage of having efficient executive officers would be that all the revenue due to the municipal councils would be collected promptly and the councils would thus have the wherewithal for carrying out their several schemes of improvement. After all, the question as to who should make the appointments was of little importance. In British India also, the Provincial Governments made the appointments of Commissioners to municipal councils. On that same analogy, there was no reason why the local bodies in Mysore should object to Chief Officers being appointed by the Government themselves, specially in view of the assurance of the Government that municipal councils would continue to have the power of passing a vote of censure against any Chief Officer who was guilty of dereliction of duty.

At 4-30 p.m., the House adjourned to meet again at 12 of the clock the following day.

Elections from the Representative Assembly to the Senate of the University of Mysore and to the panels of the three Standing Committees for (i) *Railways, Public Works and Electrical Departments,* (ii) *Local Self-Government and the Departments of Medicine, Sanitation and Public Health, and* (iii) *Finance and Taxation, were then held.*

SECOND DAY.

Tuesday, 15th June 1937.

The House reassembled at the Jagan Mohan Palace Pavilion on Tuesday, 15th June 1937, at 12 of the clock, Mr. President (*Amin-ul-Mulk* Sir Mirza M. Ismail, K.C.I.E., O.B.E., Dewan) in the Chair.

QUESTIONS AND ANSWERS—*contd.*

Frontier Toll-gates.

Q.—10. **Messrs. M. S. BASAVANNA DEVARU** (Yelandur Jahgir); **N. BHOGI MALLAIYA** (Heggaddevankote Taluk); **S. K. SIDDE GOWDA** and **S. THIMME GOWDA** *alias* **THAMMAIYA GOWDA** (Krishnarajpet Taluk); **B. SIDDALINGA SETTY** (Krishnarajanagar Taluk); **K. N. PUTTANNA, SIDDAVEERAPPA** and **GURUBASAPPA** (Chamarajanagar Taluk); **M. MAYI GOWDA** (T.-Narsipur Taluk); **U. L. RAMACHANDRA RAO** (Mysore City Municipality); **G. MALLANNA** (Mysore Taluk); **K. C. SUBBANNA** (Gundlupet Taluk); **S. C. MALLIAH** (Maddur Taluk); **M. SUBBIAH** (Seringapatam Municipality); **B. CHAMAIYA** and